**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION STAMP NO.18847 OF 2005**
**IN**
**FIRST APPEAL NO.378 OF 1991.**

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| Vighnaharta Builders & Projects Pvt.Ltd. | : Applicant. |
| And | |
| Usha Vasant Verlekar | : Respondent Org.Appellant. |
| versus | |
| Balakrishna Banbu Tarlekar | : Respondent Org.Respondent |
| And | |
| Court Receiver High Court, Bombay. | : Respondent |

Mr.A.S.Khandeparkar i/by Madekar & Co. for the applicant.

Mr.Rajiv Patil for original Respondent.

**CORAM : D.G.DESHPANDE,J.**

**DATED : 14th October 2005.**

**ORAL ORDER**

1. Heard advocate for the applicant who are not the party to this appeal and advocate for original respondent. The prayer in the application is that the Receiver to hand over vacant and peaceful possession of the suit premises bearing Shop No.2 as per the description

given in the prayer clause to the applicants. This application came to be filed because it is this particular premises which is causing obstruction in road widening project of the applicant. Counsel for the original respondent contended that even though alternate shop has been offered to him, there is a huge tree in front of that shop and, therefore, occupying the said new shop is not convenient to him and it is difficult for him to carry on successful and profitable business there. However, in the circumstances, it will be open to the original respondent to apply to the society or to the Court for proper alternate accommodation in lieu of the shop which is now allotted to him or given to him. He will be at liberty to point out to the present applicant as to the new shop where he can be accommodated. Subject to this, prayer clause (a) of the application is allowed. Application is disposed of. Certified copy expedited.

**[D.G.DESHPANDE]**